

**AMENDMENT TO H.R. 1**

**OFFERED BY MR. JONES OF NEW YORK**

At the end of title II, insert the following (and conform the table of contents accordingly):

1     **Subtitle J—Judicial Protection of**  
2                     **the Right to Vote**

3     **SEC. 2901. BURDEN ON THE RIGHT TO VOTE IN ELECTIONS**  
4                     **FOR FEDERAL OFFICE PROHIBITED.**

5             (a) **IN GENERAL.**—A government may not burden a  
6 person’s right to vote in elections for Federal office, even  
7 if the burden results from a rule of general applicability,  
8 except as provided in subsections (b) and (c).

9             (b) **EXCEPTION.**—A government may impose a bur-  
10 den on a person’s right to vote in elections for Federal  
11 office only if the government demonstrates, by clear and  
12 convincing evidence—

13                 (1) in the case of a non-severe, nondiscrim-  
14 inatory burden, that the application of that precise  
15 burden to that person—

16                     (A) is in furtherance of an important gov-  
17 ernmental interest; and

18                     (B) significantly furthers that important  
19 governmental interest; or

1           (2) in the case of a severe or discriminatory  
2           burden, that the application of that precise burden  
3           to that person—

4                   (A) is in furtherance of a compelling gov-  
5                   ernmental interest; and

6                   (B) is the least restrictive means of fur-  
7                   thering that compelling governmental interest.

8           (c) COMPLIANCE WITH THIS ACT.—An action by a  
9           government that complies with requirements under the  
10          other provisions of this Act, or the amendments made by  
11          this Act, is deemed not to constitute a burden on a per-  
12          son’s right to vote in elections for Federal office in viola-  
13          tion of subsection (a).

14   **SEC. 2902. JUDICIAL REVIEW.**

15          (a) CIVIL ACTION.—A person whose right to vote in  
16          elections for Federal office has been burdened in violation  
17          of this subtitle may bring an action in the district court  
18          for the District of Columbia or the district court for the  
19          district in which the violation took place, at the selection  
20          of the plaintiff, to obtain all appropriate relief, whether  
21          declaratory, injunctive, facial, or as-applied.

22          (b) REASONABLE ACCOMMODATIONS.—If the court  
23          finds that a government has met the burden of proof  
24          under section 2901(b), the court shall order the govern-

1 ment to adopt all reasonable accommodations necessary  
2 to alleviate that burden for all persons affected.

3 (c) DUTY TO EXPEDITE.—It shall be the duty of the  
4 court to advance on the docket and to expedite to the  
5 greatest possible extent the disposition of the action and  
6 appeal under this section.

7 (d) ATTORNEY’S FEES.—Section 722(b) of the Re-  
8 vised Statutes (42 U.S.C. 1988(b)) is amended—

9 (1) by striking “or section 40302” and insert-  
10 ing “section 40302”; and

11 (2) by striking “, the court” and inserting “, or  
12 subtitle J of title II of the For the People Act of  
13 2021,”.

14 **SEC. 2903. DEFINITIONS.**

15 In this subtitle—

16 (1) the term “covered entity” means the Dis-  
17 trict of Columbia, the Commonwealth of Puerto  
18 Rico, and each territory and possession of the  
19 United States;

20 (2) the terms “election” and “Federal office”  
21 have the meanings given such terms in section 301  
22 of the Federal Election Campaign Act of 1971 (52  
23 U.S.C. 30101);

24 (3) the term “government” includes a branch,  
25 department, agency, instrumentality, and official (or

1 other person acting under color of law) of the  
2 United States, of any State or subdivision, or of a  
3 covered entity; and

4 (4) the term “vote” means all actions necessary  
5 to make a vote effective, including registration or  
6 other action required by law as a prerequisite to vot-  
7 ing, casting a ballot, and having such ballot counted  
8 and included in the appropriate totals of votes cast  
9 with respect to candidates for public office and prop-  
10 ositions for which votes are received in an election.

11 **SEC. 2904. RULES OF CONSTRUCTION.**

12 Nothing in this subtitle may be construed to author-  
13 ize a government to burden the right to vote in elections  
14 for Federal office.

15 **SEC. 2905. SEVERABILITY.**

16 If any provision of this subtitle or the application of  
17 such provision to any person or circumstance is held to  
18 be unconstitutional, the remainder of this subtitle and the  
19 application of the provisions of such to any person or cir-  
20 cumstance shall not be affected thereby.

21 **SEC. 2906. EFFECTIVE DATE.**

22 This subtitle shall apply with respect to elections oc-  
23 ccurring on or after January 1, 2022.

